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DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-206001

DATE: January 22, 1982

MATTER OF: Thiokol Corporation, Wasatch Division

DIGEST:

GAO will not consider a protest where the material issues involved are before a court of competent jurisdiction and the court has not expressed an interest in receiving a GAO decision.

Thiokol Corporation, Wasatch Division, protests the award of a contract by the Joint Cruise Missiles Project Office to Chemical Systems Division, United Technologies Corporation under request for proposals No. N00019-81-R-1113. The contract is to design, develop, test and qualify an improved rocket motor assembly for the Tomahawk Cruise Missile. Thiokol contends that its proposal was not evaluated fairly, and that the contract violates the Anti-deficiency Act, 31 U.S.C. § 665(b) (1976).

We dismiss the protest.

Thiokol has filed a complaint regarding the same matter in the United States District Court for the District of Utah, Central Division (Civil Action No. 81-0962-W), seeking injunctive relief and a declaratory judgment. It is our policy not to consider a protest where the material issues are pending before a court of competent jurisdiction unless the court requests, expects or otherwise expresses interest in receiving our views. 4 C.F.R. § 21.10 (1981); see The Stanwick Corporation, B-199947, November 10, 1980, 80-2 CPD 351.

The court has not expressed an interest in receiving a decision on the protest from our Office, and our review of the complaint also discloses that the protester has not sought such an expression from the court. Therefore, we will not consider the matter.

The protest is dismissed.

*Harry R. Van Cleve*Harry R. Van Cleve
Acting General Counsel